FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1502 OF 2004

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

A.P.P. Mr. A.S.Shitole for the State.

CORAM : R.S. MOHITE,J.
DATED : 09/1/2006.

P.C.

1. This is an appeal filed by the state impugning a judgment and order passed by the Special Judge, Pune on 20.8.2004 acquitting the accused for offence punishable under Section 7 and 13 (1)(d) read with Section 13(2) of Prevention of Corruption Act, 1988. In the present case, the accused was a Doctor and the allegation was that he demanded and accepted bribe of Rs.1000/- for causing an abortion of the complainant's wife. The accused had admitted that he took Rs.1000/-from complainant and he had given that amount for repayment of hand loan. The

evidence on record indicates that the complainant did not support the prosecution case and was declared hostile. He contended that he was working with the accused for the period of 5 years. This is created a weakness in the prosecution case though the version given by the complainant has been discarded by the court. Apart from that, the sanction order was signed by Under Secretary and the Trial Court held that there was no valid sanction for prosecution of the accused. Not a fit case to interfere in the impugned judgment. Leave is therefore, refused. Consequently the appeal stands dismissed.

(R. S. MOHITE, J.)